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August 6, 2021

By ECF

Honorable Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: **Brett Wheeler v. NYC DOC, et al.**
19-CV-9689 (MKV)

Your Honor:

I am the Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, representing the defendants in the above-referenced matter. Defendants write to respectfully request a 7-day enlargement of time, from August 11 to August 18, 2021, to file their Motion to Dismiss. Due to unforeseen commitments in other matters earlier this week and upcoming vacation time next week, defendants require this brief extension to file their motion to dismiss the second amended complaint. This is defendants' first request for an enlargement of time to file their motion. Because plaintiff, who is proceeding pro se, is currently incarcerated, the undersigned could not expeditiously contact plaintiff to seek his consent to this application.

We thank the Court for its consideration of this matter.

Respectfully submitted,

Evan J. Gottstein /s/
Evan J. Gottstein
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **Via First-Class Mail**
Brett Wheeler
Plaintiff Pro Se
DIN No. 19A4236
Sullivan Correctional Facility
P.O. Box 116
Fallsburg, New York 12733

GRANTED. The briefing schedule is modified as follows: motion due August 18, 2021; opposition due October 1, 2021; reply due October 15, 2021. The Clerk of Court is respectfully requested to mail a copy of this Order to the *pro se* Plaintiff at the address of record. **SO ORDERED.**

Date: 8/9/2021
New York, New York

Mary Kay Vyskocil
Mary Kay Vyskocil
United States District Judge